REMARKS

The present response is to the Office Action mailed in the above-referenced case on August 22, 2005. Claims 8-25 are standing for examination. The Examiner has rejected claim 11 under 35 U.S.C. 112, second paragraph, for being indefinite. Claims 8 and 17 are rejected for nonstatutory double patenting. Claims 8, 9, 11-18, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikkola et al. of record, in view of the newly-presented art of Lumelsky (U.S. 6,081,780), hereinafter Lumelsky. Claims 10 and 19 are rejected over Mikkola in view of Lumelsky, and further in view of Tso of record.

Applicant has carefully studied the prior art presented by the Examiner and the Examiner's rejections and statements of the instant Office Action.

Responding to the double patenting rejection applicant is caused to file with the present response a timely filed terminal disclaimer to overcome the rejection.

In response to the 112 and 103(a) rejections applicant herein amends claim 11 to correct the antecedent basis, and provides further slight amendments to the independent claims to more particularly point out and distinctly claim the subject matter of applicant's invention regarded as patentable. Applicant points out and argues the limitations of applicant's claims as amended, which distinguish clearly and unarguably over the prior art cited and applied by the Examiner.

Applicant has further defined the nature of the client profile to include specific information subject categories and specific sub-categories of interest to the client by amendment to base claims 8 and 17, and further provides supporting arguments that the combined prior art does not teach or suggest, nor is it capable of defining in the client profile the specific information subject categories and specific sub-categories of interest to the client, as taught in applicant's invention and recited in the claims as amended.

Lumelsky, relied upon by the Examiner for the client profile, discloses a profile recording a specific information subject category of interest for a user of the digital

appliance, as indicated by the Examiner, but the reference does not explicitly teach or suggest specific sub-categories within the broader categories. Applicant believes that the invention of the present application is capable of much greater granularity in the accessing, retrieving and transmittal of information to the user according to the user preferences of the profile, due to the greater detail possible in defining the profile utilizing sub-categories within broader categories.

For example, Lumelsky teaches a system that enables the user of the digital appliance to create a personal radio station, and allows the user to select broad categories of interest, such as International news, sports news, business news, and the like. The profile defines the user's topics of interest, and in step of defining the user profile, the user is prompted by the personal radio station server (PRSS) server to choose from a list of categories such as above which will define what type of news is delivered to the client (col. 18, lines 20-29). The system uses a profile manager to create the profile, but the profile manager in Lumelsky is similar to conventional managers found in the market during the time of the invention, the only difference being that the profile is stored at the server rather than at the client terminal (col. 18, lines 34-38). The user in Lumelsky is clearly limited, in creating the profile, to choosing only from those broad news categories presented by the PRSS.

Applicant's invention on the other hand, enables the user to define the profile with far more granularity than that of Lumelsky. For example, as taken from the specification of applicant's invention, beginning on page 25, line 3, at a very detailed level, GPS boundaries may be established and defined for sites on the surface of the Earth according to any of several information categories, for example, organized World War II sites in Europe may be defined, such as specific regions of historical events, locations of specific monuments and other points of interest, etc., as well as sites that are not formally organized.

At a very specific and detailed level information is stored in the profile that is related to specific exhibition sites, for example, and the result is specific to very small regions, such as an indoor site, in which case small regions may be defined such that the

system may be able to access information about a painting in a museum, for example, related to a region of a few square feet at most, within which a person is standing to conveniently view the painting. In this case, as described above, a portable unit may report to the system a specific and relatively exact position within the museum, and the system can locate that position within a small region in front of a painting hanging on a wall of the museum. The system then "knows" to pass information to the user/client about that specific painting. The system may even know, for example, if the client is facing the painting or not, or make an educated guess, based on very recent history of the client's movement.

Beginning on page 27 of applicant's specification, the very important Personal Interest Database Dimension is described, wherein interest categories are definable by the user for database relationships according to very broad or very narrow categories. For example, in the broad category of "Art", which may be a first category, there may be sub-categories for such as paintings, sculpture, music, literature and so on. Within the sub-categories there may be still greater granularity, such as specific types of paintings, genres of music, and so forth.

Applicant believes the key distinction of the present invention over the combined art relied upon by the Examiner, is that the user is enabled to define the categories in far greater detail and specificity, not just simply choose from a limited selection of broad categories, such as types of news that are presented by the PRSS server to the user for selection. Applicant believes this to be a key and advantageous distinction over the prior art, and deserves patentable weight. The profile system in Lumelsky combined with the invention of Mikkola cannot produce applicant's invention because the capabilities in defining the user profile in the combined art simply falls significantly short compared to applicant's invention and claims as amended, which now specifically recite sub-categories within broader categories. This teaching is clearly not there in the combined art presented.

The Examiner has rejected claims 10 and 19 under 35 U.S.C. 103(a) as being unpatentable over Mikkola-Lumelsky as applied to independent claims 8 and 17, and further in view of Tso of record, relying on Tso to teach storing data identified by

geographic regions and sub-regions within those bounded regions. However, in view of applicant's claim amendments and arguments presented herein on behalf of claims 8 and 17, the combination still fails to produce applicant's capabilities pertaining to the user profile, as recited in the claims as amended, and therefore fails to produce applicant's invention.

Applicant believes therefore that the amended base claims are patentable to applicant over the art cited and applied, and that all of the depended claims are now patentable at least as depended from patentable base claims.

Applicant therefore respectfully requests that the present case be reconsidered and passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
Harry A. Glorikian

By */Donald R. Boys/*
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
P.O. Box 187
Aromas, CA 95004
(831) 726-1457